UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/SR.10
10 February 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 February 1994, at 10 a.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

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GE.94-10725 (E)

The meeting was called to order at 10.10 a.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1994/15; A/48/525)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME IN SOUTH AFRICA (agenda item 6) (continued) (E/CN.4/1994/16; E/CN.4/Sub.2/1993/11 and Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1994/63, E/CN.4/1994/66; A/48/423)

1. Mr. GARRETON (Chile) said that the international community's moral and political condemnation and its imposition of economic sanctions had played a crucial role in changing the face of South Africa. South Africa had thus become yet another example of the effectiveness of the United Nations in the field of human rights. The Chilean people had been among the first beneficiaries of the Organization's work in that field, followed by the people of Poland, El Salvador and Cambodia.

2. As a democracy which had always showed solidarity with the cause of the South African people, Chile welcomed the positive developments there. Two eminent Chileans, Hernán Santa Cruz and the late Humberto Díaz Casanueva, had for decades been active in combating apartheid. His delegation also welcomed the results of the negotiations between the Government and the African National Congress, in particular the recognition of the political rights of every South African through universal elections scheduled for April, the composition of the Transitional Executive Council (TEC) and the agreement on establishing a five-year Government of National Unity. It also congratulated Nelson Mandela, leader of the African National Congress and Frederick De Klerk, President of South Africa, on receiving the 1993 Nobel Peace Prize.

3. However, the reports of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15 and A/48/525) and of the Special Rapporteur on monitoring the transition to democracy in South Africa (E/CN.4/Sub.2/1993/11 and Add.1) noted major obstacles to the democratization process, particularly the Government's inability to guarantee the right to life. Paradoxically, every stride towards democracy had been accompanied by a rise in the death toll as a result of political violence. Most distressing of all was the fact that such violence seemed to be condoned by the Government's security forces. His delegation agreed with the Ad Hoc Working Group and the Special Rapporteur that controlling such violence would be crucial to the success of the electoral process and of the Government of National Unity.

4. The elimination of the last avowedly racist Government in the world should have major regional and international consequences. It should be a spur to the elimination of new forms of racism and xenophobia which had

surfaced in various parts of the world. In particular, it should have positive repercussions throughout Africa, particularly the countries of southern Africa.

5. Continued United Nations support for the promotion of human rights in South Africa was vital and should focus on providing technical assistance to the future democratic Government. In that context, the Centre for Human Rights was making a valuable contribution by providing advisory services through a human rights information and training programme. Such efforts were important because centuries of oppression and segregation had left their mark. The social, economic and cultural rights normally guaranteed in a democratic system would undoubtedly lag behind the legal and political rights the elimination of apartheid would bring. Those who had always enjoyed privileges would be reluctant to share power. Above all, there must be a substantial improvement in the quality of life of the vast majority of South African people who had been discriminated against.

6. To that end, the international community must cooperate by ensuring equitable international economic relations. Just as it had come to the aid of the South African people in their fight against apartheid, so the international community must provide cooperation for development to ensure the enjoyment of economic, social and cultural rights under the new South African democracy.

7. Mr. NIKIFOROV (Russian Federation) said that the danger inherent in ethnic discrimination had been illustrated by the events in the territory of the former Yugoslavia and in the many conflicts in the successor States to the former Soviet Union. Even in European countries, where democratic traditions and respect for human rights were strong, there had been a resurgence in recent years of discrimination against national, religious and linguistic minorities. The victims of acts of violence were often migrant workers and refugees.

8. Russia had not been spared those phenomena. It had recently experienced a sudden increase in nationalistic and chauvinistic sentiments, and certain politicians had exploited the situation for their own selfish ends. The spread of pseudo-Russian and pseudo-nationalist hysteria had been one of the reasons for the crisis in Moscow and the bloody events of the previous autumn. His Government was making a great effort to prevent a further upsurge of those dangerous sentiments, to stop the growth of nationalism and anti-Semitism and to make it clear that all forms of nationalist hatred and xenophobia were unacceptable.

9. Unfortunately, an aggressive form of nationalism had become widespread in a number of former Soviet Republics. The victims of that dangerous policy were often Russian citizens. Restrictions had been placed on their right to work, on their professional advancement and on their right to speak their own language and to conserve their culture. In a number of cases, they had simply been thrown out of the country. There had even been instances in which such practices had been sanctioned by legislation. That was intolerable. His Government would continue to stand up for the rights of the Russian-speaking population and refugees, thereby contributing to the international community's

efforts to eradicate racism and nationalism in all their forms; by the same token, it expected other States to show an understanding for its position in that regard.

10. The recent developments in South Africa gave cause for optimism. It was to be hoped that the process begun in that country would be irreversible and that the remaining obstacles would be overcome so that the apartheid regime could be definitively abolished. His Government welcomed the progress made in the multiparty negotiations over the past year. The Government of South Africa, the African National Congress and other constructive political forces in the country were determined to pursue radical change and to carry the process of democratic reforms to its logical conclusion.

11. The interim constitution adopted in South Africa at the end of 1993 laid the foundation for the creation of a non-racial and fully democratic society. An important step in that direction would be the holding of the first completely general elections in South Africa's history on 27 April 1994. His delegation was, however, concerned that certain political forces in South Africa had refused to participate in the creation of the transitional power structures, rejected the interim constitution and stated they would boycott the coming elections. There was a risk that certain political groups might resort to armed resistance, thereby destabilizing the country. Racial and ethnic violence continued to be an enormous problem, as had the increasing number of terrorist acts.

12. Given the current situation, his delegation considered it essential to support the constructive forces in South Africa and to work to ensure that the election campaign and the election itself could be held without incident. The international community, and the United Nations in particular, had an important role to play in that regard. Agenda item 6 might well be reworded to read: "Adverse consequences of the refusal to provide assistance to South Africa in implementing democratic reforms". That was, of course, a hyperbole, but it reflected his delegation's thinking.

13. Mr. SIRAJ (Malaysia) said that the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15) dealt with various human rights violations. It noted the escalation of violence soon after the Multiparty Negotiating Process had announced the April 1994 elections; an increase in the death toll; and the outbreak of politically motivated violence. It also cited the heavy-handedness of the South African security forces and police and reiterated the need for legitimate political activity and political campaigns to ensure the proper political climate for a free and fair election. The report on the Special Rapporteur's mission to South Africa (E/CN.4/Sub.2/1993/11/Add.1), which took place soon after the agreement to establish the Transitional Executive Council (TEC), had thus been very timely.

14. His Government welcomed the dismantling of apartheid and the progress towards a united, democratic and non-racial South Africa, undoubtedly one of the most positive developments in the post-cold-war era. The international community, including the United Nations, had played a vital role in that process. In order to ensure a peaceful transfer of power to the new democratically elected Government, the involvement and commitment of all

parties was vital. His delegation appealed to those who had hitherto refused to participate to join in the democratization process. There must be an end to violence or it would jeopardize the progress made thus far.

15. His delegation noted with satisfaction that the Multiparty Negotiating Process had paved the way for the establishment of the Transitional Executive Council (TEC) which, in its turn, had resulted in the agreement of the African National Congress to the lifting of trade and investment sanctions against South Africa. The Commonwealth, the United Nations and individual countries, including Malaysia, had followed suit, thus marking the end of South Africa's isolation from the world.

16. The international community would have an important role to play in the future development of South Africa. In the immediate term, supportive administrative machinery and policies would be necessary to ensure the effectiveness of the TEC.

17. Mr. ZHANG Yishan (China) said that, despite the many positive results of the two United Nations decades to combat racism and racial discrimination, their primary objectives had not been achieved. The old forms of racism and racial discrimination had not yet been eradicated, and new forms were already emerging. His delegation supported the resolutions adopted by the General Assembly at its forty-eighth session on the elimination of racism and on the declaration of 1993-2003 as the Third Decade to Combat Racism and Racial Discrimination. It hoped that the Programme of Action for the Third Decade would be faithfully implemented.

18. The resolution adopted by the Commission at its forty-ninth session calling for the appointment of a special rapporteur to investigate racism, racial discrimination, xenophobia and related intolerance reflected the deep concern of the international community in the face of new forms of racism. The international community and all Governments should wage an even stronger campaign against such forms of racism.

19. The end of apartheid and racial segregation in South Africa was the fruit of a long struggle by the South African people but also of the support they had received from the international community. His delegation sincerely hoped that the dark chapter of apartheid would soon be closed and that all ethnic groups in South Africa would enjoy all political, economic, cultural and social rights on an equal footing. It also hoped that existing inequities in, inter alia, employment, education and medical care would speedily be brought to an end. The international community must continue to oppose all forms of racism and racial discrimination lest those historical tragedies should recur.

20. Despite the significant progress made in democratizing South Africa, including the establishment of the Transitional Executive Council (TEC) and the announcement of non-racial, democratic elections in April, many hurdles still lay ahead. His delegation had confidence, however, in the determination of the South African people to build a non-racial, democratic society and firmly supported their struggle. It also wished to express its unswerving support for all efforts by the international community to eliminate all forms of racism and racial discrimination.

21. Mr. SILALAHI (Indonesia) said that, as a unified country which had waged a long and painful struggle for its independence, Indonesia fully endorsed the underlying concept of South Africa's new draft interim constitution rejecting the division of the country into sovereign, ethnically-based homelands. That would have amounted to another version of apartheid. His Government was concerned, however, about the fact that South Africa was still torn by fierce racial, ethnic and regional conflicts and by threats of violence and hatred. It referred in that connection to Commission resolution 1993/9, calling upon the South African authorities to maintain law and order and to protect all citizens (para. 4) and appealing to all parties to refrain from further acts of violence (para. 5), particularly in the period leading up to the April 1994 elections.

22. His delegation fervently hoped that the ongoing negotiations would remain open to all parties in order to strengthen the climate of negotiation and build political trust across racial lines. It urged all leaders of parties and organizations to persevere in the negotiations, based on the principles of inclusiveness, mutual tolerance and respect. Time was of the essence, for South Africa also had serious socio-economic development problems to address, the result of decades of apartheid.

23. His delegation thus welcomed the adoption by consensus of General Assembly resolution 48/1 which lifted the embargo on the supply of petroleum and petroleum products to South Africa, and on investment in the petroleum industry. His Government had made unofficial contacts with a view to establishing a consulate-general in Johannesburg in the near future. In that way, it would be able to help South Africa address its socio-economic imbalances, particularly in the critical areas of health, education and housing, with special emphasis on the needs of women and children, who were South Africa's most vulnerable groups.

24. Mr. NAITO (Japan) said that, since the beginning of the reform process in 1990, genuine progress had been made towards establishing a democratic, non-racial and united South Africa. A date for South Africa's first non-racial and democratic elections had been set, and the establishment of the Transitional Executive Council (TEC) had enabled all the people of South Africa to participate in determining their country's destiny. Those developments had prompted the General Assembly to lift all economic sanctions against South Africa.

25. Every effort must be made to maintain the momentum. It was important to ensure that the elections were held as scheduled in a free, fair and peaceful manner. All parties - including those that had not participated in the multiparty talks - must respect the agreements reached in the negotiations, adhere to democratic principles and take part in the elections. His delegation welcomed Security Council resolution 894 (1994) endorsing the proposals of the Secretary-General to widen the mandate and size of the United Nations Observer Mission in South Africa (UNOMSA) so that it would be able not only to monitor any violence but also to play a role in observing the elections.

26. Despite those positive developments, his delegation was concerned about the violence in South Africa. According to the report of the Ad Hoc Working

Group of Experts on southern Africa (E/CN.4/1994/15), violence had continued to escalate after the start of the multiparty negotiating forum. His delegation called upon all parties to cooperate in combating violence and to exercise the utmost restraint and urged the South African authorities to fulfil impartially their primary responsibility, which was to protect the lives, security and property of all South Africans.

27. Recognizing the importance of providing support to the South African people in their peaceful struggle to attain their ultimate goal, Japan had provided financial assistance to the victims of apartheid and for the South African people's efforts to overcome problems in education, employment and health. His Government had allocated approximately $5 million in assistance in 1993, including $660,000 for the work of the Advisory Committee on the United Nations Educational and Training Programme for South Africa (UNTPSA), of which Japan was a member.

28. It was essential that the international community should cooperate in ensuring the success of the democratization process and the forthcoming elections. In that context, his delegation would like to see a consensus on a draft resolution under agenda item 5 that would reflect the situation of South Africa in the transitional period. It also hoped that the Government of South Africa would respect the recommendations contained in the resolution adopted by the Commission at its forty-ninth session.

29. It was regrettable that the Government of South Africa had not authorized a visit in 1993 by the Ad Hoc Working Group to evaluate the human rights situation on the spot; such a visit was needed for both the effective implementation of the tasks of the Working Group and the credibility of the South African Government. While understanding the difficulties that it would face in permitting the visit of the Working Group and aware of the danger of political and social turmoil, his delegation called upon the new Government of South Africa to implement the recommendations of the Working Group and allow it to pay a visit in 1994.

30. The title of agenda item 6 was no longer appropriate and did not reflect the improved situation in South Africa. When discussing the situation of human rights in South Africa, it was important to focus on the progress made towards democracy, equality and social justice. In the view of his delegation, agenda items 5 and 6, which were closely related, should be incorporated into a single agenda item for the Commission's next session.

31. Ms. CONKLIN (United Nations Volunteers (UNV)) said that UNV was proud to be playing a part in the sea change in South Africa. It would be sending 200 Officers to join the United Nations Observer Mission in South Africa (UNOMSA). The volunteers would be working in provincial offices all over the country, surveying areas assigned to the observer teams and identifying polling station locations in cooperation with the local authorities. They would also verify communication networks; investigate and report complaints of threats and acts of intimidation against individuals or political parties during the campaign; and, on the election days, visit polling stations and record their observations. After the elections, the volunteers would monitor the security of electoral materials and the counting and reviewing of disputed ballots.

32. Most of the United Nations volunteers came from developing countries. They were, on average, 39 years of age and they brought professional experience to their assignments. While volunteers had traditionally served in the projects of the United Nations Development Programme or in those of the specialized agencies or Governments, they also had proven experience in humanitarian relief, peace-building, human rights and democratization missions. More than 450 of them had served with the United Nations Transitional Authority in Cambodia (UNTAC). They were currently participating in the United Nations Operation in Mozambique (UNOMOZ), serving as electoral supervisors in Liberia and assisting the Special Representative of the Secretary-General for Burundi in his efforts to promote reconciliation at the community level.

33. Volunteers could help to bring about real changes in attitudes and perceptions. UNV was willing and able to do more in order to ensure the full realization of democracy and human rights in South Africa after the elections. Its volunteers' talents could also be deployed for human rights work elsewhere in the world.

34. Mr. JOKONYA (Observer for Zimbabwe) said that the World Conference on Human Rights had been a complete charade. Since then, there had been a flurry of seminars and conferences, but no decisions taken or, where there had been decisions, they had been feeble and without effect. The notion that the introduction of multiparty democracy and market forces was all that the world needed was a naive illusion, as seen in the tragedies in Somalia, Liberia, Burundi and Bosnia and Herzegovina.

35. His delegation thanked the Ad Hoc Working Group of Experts on southern Africa for its interim report (E/CN.4/1994/15), an invaluable source of information, but regretted that the Working Group had had once again to do its work outside South Africa. The report nevertheless revealed that the situation of human rights in South Africa was deplorable. It was disheartening that the police and security forces continued to be implicated in many of the 4,500 deaths that had occurred as a result of political violence in 1993 alone. As many observers had pointed out, the so-called black-upon-black violence was planned and fomented by agents provocateurs.

36. His delegation had no illusions about what would happen after the elections of April 1994. The conversion of De Klerk to democracy and the holding of free and fair elections would not bring about an immediate end to human rights violations. The international community must come to the aid of the people of South Africa without delay.

37. The European Union must prevail upon the extremists not to provoke another blood bath in South Africa. The erstwhile allies of the apartheid regime, which had sheltered Pretoria in the name of capitalism and the fight against communism, were duty-bound to help the freedom-loving people of South Africa to banish racism and apartheid from its midst and to usher in freedom and justice.

38. South Africa had undergone sweeping political changes, and his delegation commended all the parties involved. The need to forge ahead towards a peaceful and democratic solution was greater than ever, and his delegation

called upon those forces that were impeding the democratic process to participate fully in the April elections, the only way in which they could appropriately express the political aspirations of those they purported to represent.

39. Racism, poverty, torture, economic exploitation and human degradation would not end with the installation of a new democratic Government. Nazism and fascism had recently been rearing their ugly heads in many parts of Europe. Those forces of darkness in Europe were supporting the racists in South Africa. The new Government in South Africa must not be left to confront that danger alone. After years of condemning apartheid, the international community must not remain passive at the current crucial juncture.

40. Through its advisory services, the Centre for Human Rights had a pivotal role to play in educating and training. The Centre - in association with other competent institutions - must make its services readily available to the post-apartheid Government in South Africa.

41. Mr. AMOAH (International Commission of Jurists) said that the ICJ had accepted an invitation to send two pre-election missions to South Africa in order to assess the country's preparedness for free and fair elections at the end of April 1994. The first mission had taken place from 22 September to 6 October 1993, and the second was scheduled for 2 to 10 March 1994. The members of the mission had held consultations with a variety of opinion leaders, including government authorities, leaders of political parties, the police, the Chairman of the Goldstone Commission, lawyers, human rights and church groups, peace monitors, observer missions of the United Nations, the European Community, the Organization of African Unity and the Commonwealth, and ordinary township residents. It had published its findings in a report entitled "Voting for Peace" in November 1993.

42. The mission had been particularly concerned that incidents of political violence had increased and that the situation in a number of trouble spots had seriously deteriorated. It had noted a correlation between the escalation of the violence and progress in the multiparty negotiation process. The raid on the World Trade Centre, the negotiation forum, by the ultra-right was a case in point.

43. The mission had been informed that, in July 1993 alone, there had been no less than 4 major massacres in South Africa; 650 persons had reportedly been killed in politically motivated attacks, and more than half of them had lost their lives after the announcement of the election date. The South African Police had also been the target of violent attacks. According to information supplied by the Commissioner of Police, there had been 3,460 attacks on members of the South African Police during the first 8 months of 1993; 130 policemen had been murdered, and policemen's houses had been damaged in 323 attacks. Clearly, in order to ensure free and fair elections, incidents of violence and intimidation must be curbed.

44. As a result of its findings, the mission had made a number of recommendations, including the following: the elections should take place on the agreed date; they should be held in the homelands and the independent States as well as in South Africa; and the international community should

provide, firstly, at least one monitor at all times in every voting station, secondly, senior police advisers to support the South African police at headquarters and at every police station involved in overseeing the election and, thirdly, a reserve peace-keeping force of four to five battalions, under a South African commander, at the disposal of the Electoral Commission.

45. The establishment of the Transitional Executive Council (TEC) had given rise to widespread optimism regarding an orderly transition to democracy. Others, taking a more pessimistic view, noted the real threat posed by the parties of the extreme right which appeared to be supported by certain strategic sectors of the population.

46. The ICJ welcomed the international community's response to recent developments in South Africa. In particular, it noted with satisfaction that the Secretary-General had, in accordance with one of the major recommendations in "Voting for Peace", proposed that the United Nations should send 1,778 election observers and that it should coordinate the activities of 1,062 other observers.

47. A special trust fund had been established to help pay the expenses of observers from African and other developing countries. The Commission must help to persuade States to contribute to the fund and to support the activities of local and international non-governmental organizations, in particular during the pre-election period.

48. The ICJ agreed with the Special Rapporteur on South Africa that she should return to South Africa in May 1994; such a mission would enable her to assess whether and to what extent the population in general was enjoying social and economic rights.

49. Given the real threats of intimidation and violence posed by the militarily powerful right-wing groups, serious attention should be paid to the recommendation that a reserve international peace-keeping force should be made available to the Independent Electoral Commission.

50. Mrs. SCHREIBER (International Movement Against All Forms of Discrimination and Racism) said that the international community had been unable to live up to its ideals: its words no longer corresponded to its acts and it was increasingly removed from the populations it purported to defend. She still hoped, however, that the international community would be able to muster the energy and enthusiasm required to act on those ideals.

51. Her organization had long been active in the campaign against all forms of racism and racial discrimination. In particular, it had been working to combat apartheid and maintained links of solidarity with the African National Congress. It had for many years been urging Japan, where it had its headquarters, to ratify various international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination.

52. It wholeheartedly supported the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and welcomed the appointment of a special rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and other forms of intolerance. Racial discrimination was a universal and multifaceted phenomenon which called for a far-reaching strategy, including political and legal measures to resolve conflicts and educational and cultural programmes to build the necessary climate of confidence.

53. While the phenomenon of racism was hardly new, it had taken an intolerable turn for the worse in Europe in recent years. Old demons had been revived by economic crises, and the new scapegoats were represented by any foreign group, including migrant workers, refugees and asylum seekers. Certain European countries had panicked and had resorted to a surprising "legislative backlash".

54. Measures such as the Pasqua Act in France and the Tobbak Act in Belgium limited the right to asylum, instituted the presumption of fraud with regard to requests for refugee status and established measures which failed to respect human rights, including the right of authorities to request identity papers based on an individual's appearance; the right of communities to refuse refugees; and the placing of refugees in detention centres under poor conditions. Police officers in Germany had demonstrated passivity or even complicity in respect of racist incidents. In Italy, references were made to having passed a threshold of tolerance. In general, there had been a rise in xenophobic attitudes towards the poor countries of the South.

55. In response to the recommendations of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, her organization, with others, had organized at Strasbourg in November 1993, under the auspices of the Council of Europe, a seminar on the use of international conventions to protect the rights of migrant workers and ethnic minorities. A similar seminar was proposed for the Central and Eastern European countries.

56. Mr. KIRKYACHARIAN (Movement Against Racism and for Friendship Among People) said that he was amazed at the lack of interest shown in the developed countries in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, despite its consensus adoption by the General Assembly on 18 December 1990. Certain States had instead taken steps to control immigration, hoping to solve the problem of racism by reducing the number of foreigners.

57. Recent events had posed many questions concerning racism: whether the phenomenon of ethnic cleansing derived from racism; whether the recent recrudescence of racism was due to economic instability and whether racism was inherent in mankind. Those questions had been debated at length by non-governmental organizations at seminars and at a forum held before the World Conference on Human Rights. The Vienna Declaration had, in fact, clarified certain points: the Third Decade must focus on racism as both a cause of and an excuse for social exclusion.

58. Racism was obviously not limited to migrant workers, but there was a relationship between the treatment of immigrants and racism, despite the fact that certain Governments tried to deny it. Measures against immigrants or their children only confirmed irrational prejudices against foreigners. Furthermore, a "threshold of tolerance" could never be objectively defined.

Earlier research had suggested that such a threshold might be defined as the minimum level at which people left a residential area owing to a fall in housing values, but that demonstrated only that racism existed prior to the entry of foreigners into a neighbourhood.

59. Contemporary racism was based on perceived cultural differences, rather than on the "biological" differences of the past. Yet, certain groups, such as Gypsies, had always been persecuted because of their lifestyle and those old hatreds - including anti-Semitism - were again becoming extremely virulent, as a result of the rise of neo-nazism and extreme nationalism.

60. The international community must both denounce and combat those modern forms of racism, including ethnic cleansing and religious exclusion, and strive to understand their causes. It must also take practical steps and the NGOs, in their Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization, had offered some recommendations with regard to education, the mass media, and Government action in the social fields and in suppressing racist ideologies.

61. Social exclusion was a phenomenon to which priority attention must be given. It was the general form of a functional system which operated inside countries and between them, in particular between developed and developing countries. In a sense, the world was based on one social group's exclusion of another, at all levels of society. The solution was to change the system completely and to live on the basis of what had been called "equaliberty". It was only by freedom in equality that racism could be halted.

62. Ms. BALLANTYNE (Women's International League for Peace and Freedom), speaking on behalf of 23 members of the Special Committee of International Non-Governmental Organizations on Human Rights, said that the objectives set forth in the Universal Declaration of Human Rights were far from being attained; she welcomed the adoption by the General Assembly of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and the appointment by the Commission of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. It was sad to note that two decades of concerted action had not put an end to the phenomenon of racism and that, on the contrary, new forms of it were emerging and had given rise to conflicts which, in some areas, even posed threats to international peace and security.

63. Alarmed by the rising tide of racism, the NGO Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization had held several consultations in 1993 and had recommended actions to be included in the Programme for the Third Decade. A special working group of the NGO forum held prior to the World Conference on Human Rights had submitted recommendations on that matter to the Conference.

64. Special educational programmes on the elimination of racism and racial discrimination should be developed for audiences of all ages. The media, too, had an important role to play in that life-long educational process. It must also be recognized that, in a just society, there was no incompatibility between the right to freedom of expression and prohibitions on advocating national, racial or religious hatred.

65. It was important to realize that economic factors exacerbated racial tensions, which were then used to influence political decisions in order to appease racial prejudices. Such a cycle had implications within and between States.

66. The time had come to include anti-Semitism on the list of racist acts, both in its historic form as represented by the Nazi genocide and in its contemporary form.

67. The time had also come to develop effective measures to combat the violent acts perpetrated against innocent victims on the basis of race, religion, creed or gender.

68. Mr. CHANGALA (Service Peace and Justice in Latin America) said that his organization had always opposed racism wherever it occurred. It had, therefore, been encouraged by recent events in South Africa, in particular the plan to hold free elections in April 1994, and would be sending an observer mission to monitor the elections.

69. The various political groups that had participated in the democratization process were to be commended on their willingness to compromise. The cessation of the armed struggle by the Pan Africanist Congress (PAC) was also a welcome sign. The international community, in particular the United Nations, had played a vital role in helping to dismantle the apartheid system and all countries must ensure that it would never again take root.

70. The road to true democracy in South Africa was fraught with difficulties. The white right-wing political groups constituted a serious threat to the process. Members and supporters of those groups were currently receiving military training in preparation for a civil war. They were also supported by elements within the South African security forces. The South African Defense Forces continued to provide automatic weapons to commando units, composed mainly of white citizens, many of them being supporters of right-wing groups.

71. Unfortunately, the Inkatha Freedom Party and the homeland of Bophuthatswana had joined with the right-wing whites to form the Freedom Alliance. All attempts by the South African Government and the African National Congress to accommodate the demands of the Freedom Alliance had been fruitless. He thus urged the international community to help isolate the Freedom Alliance and prevent it from blocking the progress towards democracy. All parties still outside the peace process should be encouraged to participate in it.

72. Violence in the black townships had reached crisis proportions, with thousand of deaths. According to a recent report, agents provocateurs were largely responsible. The South African security forces, in particular the Internal Stability Unit of the South African Police, had also been implicated. In that connection, he welcomed the withdrawal of the Unit from the black townships and its replacement by the South African Defense Forces.

73. The South African Police continued to violate human rights and the Government lacked the political will to intervene. Just a few days before

receiving the Nobel Peace Prize, Mr. De Klerk had authorized a military operation in the Transkei homeland, during which five children had been brutally murdered.

74. The actions of the Bophuthatswana homeland administration, which was allied to right-wing groups, also threatened the peace process and continued to violate human rights. It was the only homeland administration that was still refusing to participate in the elections and to be re-incorporated into South Africa. Nevertheless, the South African Government continued to provide financial aid to Bophuthatswana. The Commission should call upon it to halt that assistance.

75. Mr. SANDERS (International Lesbian and Gay Association) said that the interim constitution of South Africa, which would govern the country for five years after the elections, would be the first constitution in the world that expressly protected homosexuals against discrimination on the basis of sexual orientation. The decision to include such a provision in the constitution confirmed that homosexual rights were not "western" or "northern", but were part of the universal right to liberation and to human dignity and freedom.

76. It was necessary for South Africa, having repudiated its history of discrimination and joined the modern world, to look for models and, some days previously, the representative of Canada had informed the Commission that his Government had provided expertise to help formulate a bill of rights for South Africa. That was welcome news for his organization, since the Canadian courts had found that the general guarantees of equality in the Canadian Constitution prohibited discrimination against homosexuals.

77. Another model for South Africa was the 1981 decision of the European Court of Human Rights that anti-homosexual criminal laws were in violation of the European Convention on Human Rights.

78. By deciding to have a bill of rights that would not simply reject its racist past but would also unmistakably repudiate all forms of discrimination, South Africa had recognized the evil of discrimination against homosexuals and provided an example for others to follow, but no one had paid any attention. There had not been a single line on the subject in the extensive media coverage of developments in South Africa. In her report (E/CN.4/Sub.2/1993/11/Add.1), the Special Rapporteur on monitoring the transition to democracy in South Africa had indeed referred to the fact that the interim constitution included a bill of rights which "inter alia guaranteed the equality of race and gender ..." (para. 22), but she had not elaborated further.

79. Unfortunately, it was a fact that the lives of homosexuals were continuously passed over in silence. His Association had gained United Nations consultative status precisely to combat that "sin of silence" and it commended South Africa on its rejection of silence and its recognition of the existence and rights of homosexuals.

80. Mr. ABOUTAHIR (Observer for Morocco) said that his delegation congratulated the South African political forces on the efforts they were making with a view to achieving a peaceful solution to the crisis in their

country. In particular, it welcomed the resumption of negotiations involving the most representative political leaders in the history of South Africa which had made it possible to agree on the date for a general election, on an interim constitution, which would lead the South African people to the creation of a united, democratic and non-racial society, and on the establishment of a Transitional Executive Council (TEC). The country was beginning a new chapter in its constitutional history and South Africans would, for the first time, have a multiparty Government emanating from national elections and a system based on the Universal Declaration of Human Rights.

81. Unfortunately, notwithstanding those positive developments, the recrudescence of acts of violence and intimidation, perpetrated by extremists of all kinds, might hamper the democratization process. As the Special Rapporteur's report on her mission made clear, South Africa was the most violent country in the world and many innocent persons had been victims. The international community must redouble its efforts to help the South African people overcome that and the other obstacles facing it.

82. His delegation had also noted with concern that segregation and social inequalities continued to exist in education, health, housing, employment and wages, a situation which hampered the transition to a democratic and non-racial society. The necessary measures should be put in hand rapidly to deal with that situation and a programme adopted to make the South African people believe in the reality of the transition and participate fully in the process.

83. It was clear from the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1994/15) that the most elementary rights of the South African people continued to be violated despite the action taken by the authorities. He appealed to the South African Government to adopt decisive measures with a view to ensuring the security of all its citizens without any discrimination whatever and to heed the extremely useful recommendations contained in the report of the Ad Hoc Working Group.

84. Stressing the importance of the Third Decade to Combat Racism and Racial Discrimination he drew attention to the Note by the Secretary-General (E/CN.4/1994/63) and the fact that the Programme of Action included measures to facilitate the transition of South Africa to a democratic regime and to remedy the legacy of cultural, economic and social disparities left by apartheid (paras. 3-8).

85. In conclusion, he stressed the vital role which the international community was called upon to play in the critical phase of the new South Africa by maintaining its vigilance until the definitive and complete establishment of a democratic and non-racial society in that country.

86. Mr. WAREHAM (International Association against Torture) recalled that, when his organization had first participated in the work of the Commission, it had made it clear that it was continuing the tradition of bringing into an international forum the racism faced by Africans in the United States because of that country's unwillingness or inability to resolve it. The international community must concern itself with that situation if it was to evaluate the

failures of the Second Decade to Combat Racism and Racial Discrimination and do what was necessary to ensure the success of the Third Decade. That was so not simply because the United States was the self-described leader in human rights, but also because it had the economic and material capacity to redress the evil of racism if it had the political and moral commitment to do so.

87. For six years his delegation had been addressing the Commission with a view to making it aware of the reality of the situation facing United States blacks, on the basis of cold statistics from United States Government organs which had examined black life in such areas as health, education, welfare, income, life expectancy, incarceration, police brutality, etc.

88. The inescapable conclusion was that, in relation to the white population, the United States population of African descent continued to exist as a de facto separate nation, an underdeveloped collectivity whose situation resembled that of a "developing" vis-à-vis a "developed" country. The gains made during the civil rights/black power era had lasted barely a decade. Racism, assuming ever-changing forms, continued to set the parameters of black life in the United States and was not indeed restricted to blacks, for indigenous peoples, Latinos and Asians were all victims of that de facto policy of racist white supremacy.

89. One of the reasons why the first two Decades to Combat Racism and Racial Discrimination had not succeeded was the failure to link the issue of economics to the social manifestations of racism. Racism as an ideology was the offspring of capitalist economics, what was called the "free market". Colonization, greed and the insatiable thirst for profit had led to the rape of Africa's human resources in order to develop the "new world". Racism had developed as an ideology for Europeans to rationalize the first Holocaust of more than 50 million Africans whose lives had been sacrificed so that their surviving brothers and sisters could fuel the Industrial Revolution.

90. Apartheid was an another example of racism as a social phenomenon whose foundation was economic. If the elections to be held on 27 April 1994 addressed only the right to vote but ignored the question of who owned the country's natural resources, there would be no fundamental change in South Africa. The South African black experience would tragically mirror that of United States blacks who had found that the right to go to restaurants, hotels, cinemas and beaches meant little without the money to pay for them. According to a recent study, the wealth of an average black in the United States was $4,000, compared with $44,000 for a white person.

91. Another weakness of the first two Decades was that they did not properly focus on all the appropriate targets. The work done by the United Nations in respect of the apartheid regime in South Africa had been invaluable. However, the United Nations had missed the mark by paying little or no attention to the racist domestic policy of the Western countries involved. Particular attention should have been paid to the United States of America, in which racism was much more insidious because of the country's stature as a super-Power and its reputation as a democracy. If the Third Decade was to be a success, the United Nations must correct that failure.

92. The strength and influence of the United Nations was founded on its moral credibility. Any perception that there was a double standard undercut that credibility, and the best way of establishing its high moral ground was for the Commission to strengthen its mandate of the previous year so that the special rapporteur could begin his work in the developed countries. It was encouraging that the newly appointed Special Rapporteur was obviously conscious of his own country's experience with colonialism and racism, an insight that would help him to carry out his mandate. His Association urged the Special Rapporteur to conduct his first investigation in the United States. That would send a signal to all practitioners of racism that no one was exempt and destroy any perception that the double standard of the old United Nations would be that of the United Nations in the coming century.

93. Mr. OZDEN (Centre Europe-Tiers Monde) said that, in recent years, new discriminatory practices had made their appearance and although they were based on cultural, not racial, criteria, they could be classified as racist that they sought to exclude certain groups and human beings. Those practices related primarily to questions of immigration.

94. The Swiss Federal Council had proclaimed 1994 to be the "Year of Internal Security", a security based solely on the police point of view. The proposed amendments to the Aliens Act and the Asylum Act would have detrimental effects on foreigners living in Switzerland. They provided, inter alia, for a kind of house arrest for foreigners whose residence permits were not in order or who constituted a threat to security. Such a provision constituted an attack on asylum seekers suspected of having committed minor offences and police control was exercised over all foreigners, whether refugees, tourists or wives and children of season workers, who did not have a residence permit.

95. The provision that a foreigner who did not have a residence permit and had committed no offence could be detained for three months pending a decision on his status by the authorities was an attack on a fundamental freedom. The provision that foreigners subjects of an expulsion order could be imprisoned months pending their expulsion was imprisonment on the basis of discriminatory assumptions.

96. Lastly, to require an asylum seeker to provide travel documents and identity papers while he was in a registration centre was an untenable demand on someone who had usually fled the country where he was being persecuted without a passport or visa.

97. At the very time when the University of Geneva was holding an international seminar on "violence and the right of asylum in Europe", representatives of various neighbouring countries were meeting not very far away in conditions of great secrecy to hold an intergovernmental exchange of views on the refoulement of rejected asylum seekers. While apparently informal, that meeting revealed the increasingly repressive attitude of Western countries to their immediate neighbours and to third-world countries.

98. The establishment of a European security State overseen by police organs was the first objective of the Schengen Agreement, the implementation of which was still being postponed. Its provisions were based on the theory that the elimination of border checks could result in less security and that the

Schengen States might become a favourable ground for organized crime, terrorism and foreigners without proper documents. The equation of uncontrolled immigration with crime and terrorism led to a perceived lack of security and to an increase in racism. In fact, the purpose of the Schengen process was a massive increase in the authority of the police, stemming from a security mentality which had always been opposed to the principles of a State governed by liberal legislation. Protection of the State against all real or imaginary threats was deemed to be an absolute priority.

99. The argument was that "preventive" police activity was for the good of the people. Infringements on the fundamental rights and freedoms of citizens must be accepted in the name of the "higher" interests of State security. Any foreigner entering Schengen territory must thus be subjected to a more thorough examination. A foreigner would be allowed to enter the territory only if he had the necessary travel documents and did not represent a danger to public order, national security or the international relations of one of the Contracting Parties. That in itself was an arbitrary action since it was the police that would decide who constituted such a threat.

100. Several Schengen provisions were contrary to the Convention relating to the status of refugees. They included provisions concerning visas, sanctions on airlines that carried passengers whose travel documents were not in order, and the refusal to grant asylum for so-called security reasons. The police services of member States would be able to exchange information on persons who, in terms of criminal law, were not suspects. The Schengen Information System (SIS), the common data bank of the police services of the Schengen States, would not be restricted to registering criminals sought by the police but would also cover persons who, because they conducted themselves in a particular manner, had attracted the attention of the police. Any person not corresponding to the "average type" thus ran an increased risk of being submitted to refined forms of repression.

101. The news measures advocated in Switzerland and elsewhere in Europe reflected an increase in racism and xenophobia. It was time to react to such legislation and agreements in a spirit of solidarity and justice, demanding that all measures adopted must be subject to democratic parliamentary control, whether national or European, as decided by the civilian population of the countries concerned.

The meeting rose at 12.40 p.m.